IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21398 of 2004

Between:

C.V. Satish Kumar, S/O late C.V.Ramana,

R/O 6-4-502, Venkata Rao Nagar, Ananthapur – 515 001.

..... PETITIONER

AND

1. The Andhra Pradesh State Co-operative Bank Limited,
Troop Bazar, P.B.No.142, Hyderabad – 500 001.

2. The Commissioner for Co-operation and Registrar of Co-operative Societies, Andhra Pradesh, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus declaring that the action of the respondents in not appointing the petitioner on compassionate grounds to the post of Junior Staff Assistant is wholly illegal, arbitrary, unconstitutional and violative of Articles 14, 16 and 21 of the Constitution of India and consequently declare that the petitioner is entitled for compassionate appointment as Junior Staff Assistant and direct the respondents to appoint the petitioner as Junior Staff Assistant on compassionate grounds with all consequential benefits from the date on which the other persons were appointed.

Counsel for the Petitioner:MR.PRATAP NARAYAN SANGHI

Counsel for the Respondent Nos.1 and 2 : GP FOR COOPERATION

The Court made the following :

ORDER:

The petitioner has filed this writ petition seeking appointment on compassionate grounds.

2. The case of the petitioner is that his father, who was working as a driver in the first respondent-Andhra Pradesh Co-operative Bank Limited, Hyderabad, died on 11.10.2001. He has submitted an application to the first respondent Bank on 29.10.2001 seeking appointment on compassionate grounds. The first respondent Bank passed a resolution dated 23.07.2002 to appoint five persons on compassionate grounds, and his name was considered for appointment. In pursuance of the resolution, the first respondent Bank recommended his case to the second respondent seeking approval of his appointment on compassionate grounds. Thereafter, no action has been taken. Hence this writ petition.

3. Learned counsel appearing for the petitioner contended that the first respondent Bank, in its resolution dated 23.07.2002, recommended the case of the petitioner along with four others to appoint him as a Junior Staff Assistant, but no action has been taken. The learned counsel also contended that the petitioner may be considered for appointment to any suitable post, if otherwise eligible, as per the rules of the Bank.

4. On the other hand, the learned Government Pleader for Co.operation appearing for the respondents contended that the second respondent opposed the application on the ground that the first respondent has to take a decision for appointing the petitioner in any suitable post.

5. Perused the material available on record.

6. The first respondent Bank has already passed a resolution dated 23.07.2002 to appoint the petitioner along with four others on compassionate grounds for the posts mentioned therein. The petitioner was recommended for the post of Junior Staff Assistant. While recommending the case of the petitioner it is also made clear that there is no recruitment to the post of Junior Staff Assistant, and therefore, he sought relaxation with regard to the permission to appoint the petitioner , but no action has been taken by the second respondent. It is not disputed before this Court that there is no direct recruitment to the post of Junior Staff Assistant. The first respondent shall have to consider the case of the petitioner for any suitable post.

6. Therefore, the writ petition is disposed of with a direction to the first respondent Bank to consider the case of the petitioner for any suitable post and forward the same to the second respondent for approval. No costs.

_____

K.C.BHANU, J

23rd November, 2004.

Note: Furnish C.C. in three days.

(B/O)

sh

To

1. The Andhra Pradesh State Co-operative Bank Limited,
Troop Bazar, P.B.No.142, Hyderabad – 500 001.

2. The Commissioner for Co-operation and Registrar of Co-operative Societies, Andhra Pradesh, Hyderabad.

3. 2CCs to the G.P. for Co.operation, High Court Buildings, Hyderabad (OUT).

4. 2CD copies.